



# Public Notice

US Army Corps  
of Engineers  
Memphis District

**REPLY TO ATTN:** Judy O. DeLoach  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0737  
Fax (901) 544-0931  
E-Mail: Judy.O.DeLoach@usace.army.mil  
**POSTMASTER PLEASE POST UNTIL:**

**PUBLIC NOTICE NO:**  
MVM-2004-471(JOD)

**PUBLIC NOTICE DATE:**  
August 20, 2004

**EXPIRATION DATE:**  
September 20, 2004

**Joint Public Notice**  
**Corps of Engineers**  
**and**  
**State of Arkansas**

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

**APPLICANT:** Michael Ellis  
879 HWY 364  
Hickory Ridge, Arkansas 72347  
(870) 588-7974

**LOCATION:** The project is located near Fair Oaks, (Section 9, Township 6 North, Range 1 East) in Cross County, Arkansas, at approximate latitude 35 – 09-00 and longitude –91-00-20 on the Fair Oaks 7.5 minute quadrangle map. The proposed project is further located on Farm No. 247, Tract 189. Enclosures 1 and 2 show the location.

**PURPOSE:** The purpose of the project is to construct an irrigation reservoir with a pipeline and tail water recovery ditch.

**DESCRIPTION OF WORK:** The reservoir will contain 29 acres of water surface area and facilitate irrigation of 123 acres of cropland. Approximately 2.0 acres of cropland are designated as farmed wetlands by the Natural Resources Conservation Services (NRCS) and will be filled from the construction. The remaining area of construction is designated as prior converted by the NRCS. The tail water recovery ditch and pipeline associated with the reservoir will be constructed entirely in cropland. The applicant proposes to provide 5.9 acres of compensatory mitigation located south of the reservoir. Cypress seedlings will be planted on 2.2 acres and food plot crops will be established yearly on 3.7 acres as shown on enclosure 2.

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

**ENDANGERED SPECIES:** No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The Memphis District is complying with the National Historic Preservation Act of 1966 and implementing regulations found in 36 CFR Part 800. The Memphis District will evaluate information provided by the State Historic Preservation Office and the public in response to this public notice and we may conduct or require a survey of the project area.



Michael Ellis  
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**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Judy O. DeLoach at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0737. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

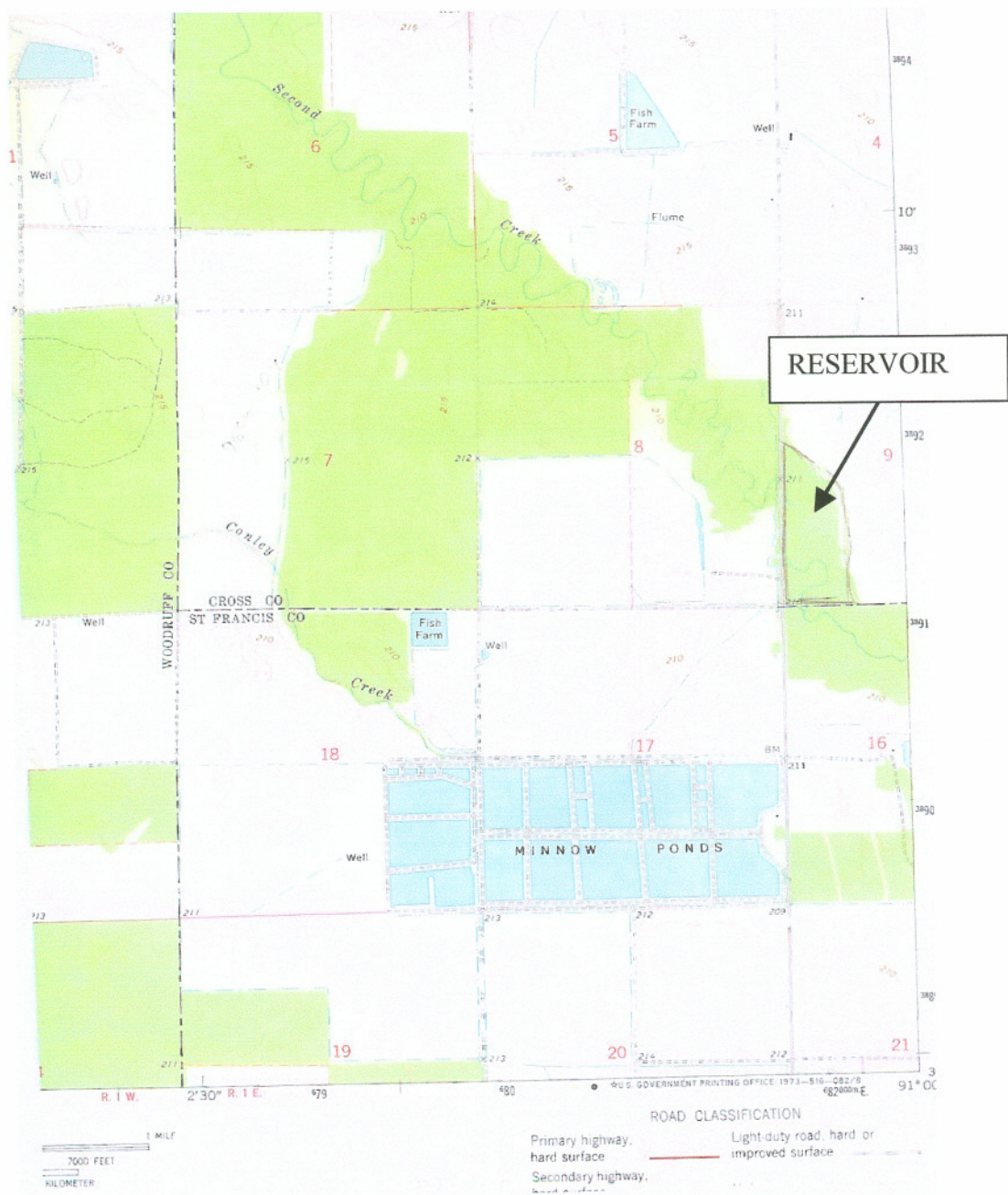
Comments should be received by September 20, 2004.



Larry D. Watson  
Chief  
Regulatory Branch

Enclosures





File: MVM-2004-471(JOD)/Irrigation Reservoir  
 Applicant: Michael Ellis  
 Location: Sec 9, T6N, R1E/near Fair Oaks/Cross Co., AR  
 Farm No.: 247 Tract 189

Enc. 1



2001



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Enc. 2